

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CRYSTALLEX INTERNATIONAL
CORPORATION,

Plaintiff,

v.

BOLIVARIAN REPUBLIC OF
VENEZUELA

Defendant.

No. 17-mc-00151-LPS

SIEMENS ENERGY, INC.,

Plaintiff,

v.

PETRÓLEOS DE VENEZUELA, S.A.,

Defendant.

No. 22-mc-00347-LPS

**SIEMENS ENERGY INC.'S MOTION FOR MISCELLANEOUS
RELIEF IN CONNECTION WITH THE SALE PROCEDURE AND
LIMITED JOINDER IN THE SIX CREDITORS' MOTION FOR
MISCELLANEOUS RELIEF IN CONNECTION WITH THE SALE PROCEDURE**

Siemens Energy, Inc. ("Siemens") respectfully moves for an order (i) conclusively designating Siemens as an Additional Judgment Creditor under the Sale Procedures Order (1:17-mc-151, D.I. 481) and (ii) expediting the service of Siemens' conditional writ of attachment on the shares of PDV Holding, Inc. (the "PDVH Shares"). Siemens also joins the Motion for Miscellaneous Relief in Connection with the Sale Procedures Order (1:17-mc-151, D.I. 801, the "Six Creditors' Motion") filed by creditors OI European Group B.V. ("OIEG"); Northrop Grumman Ship Systems, Inc., f/k/a Ingalls Shipbuilding, Inc., and now known as Huntington Ingalls Incorporated ("Huntington Ingalls"); ACL1 Investments Ltd., ACL2 Investments Ltd., and

LDO (Cayman) XVIII Ltd. (together, “ACL”); Rusoro Mining Limited; Koch Minerals Sàrl (“KOMSA”) and Koch Nitrogen International Sàrl (“KNI,” and, together with KOMSA, the “Koch Parties”); and Gold Reserve Inc. (collectively, the “Six Creditors”) to the extent it requests the same relief.

As an initial matter, Siemens already qualifies as an Additional Judgment Creditor. Siemens has timely obtained a conditional writ of attachment and has satisfied Steps 1 through 5 set by the Court in its July 27, 2023 Order (1:17-mc-151, D.I. 750, the “July Order”). As such, Siemens has met the only requirement the Court imposed to be an Additional Judgment Creditor—obtaining “at least a conditional writ of attachment by the Step 5 (Writ) Deadline.” *Id.*, D.I. 646 at 12; *see also id.*, D.I. 738 at 3 (setting the Step 5 deadline as January 12, 2024). The Court has also already identified Siemens as a party that has obtained a conditional writ and “should be eligible to be named [a] Additional Judgment Creditor[.]” *See id.*, D.I. 646 at 12-13. The Special Master has also recommended that Siemens be named an Additional Judgment Creditor. *See id.*, D.I. 789 at 2.

There are no hurdles left for Siemens’ completion of Step 6 (the clerk issuing to the U.S. Marshals Service the writ of attachment *feri facias*) and Step 7 (the U.S. Marshals Service serving Siemens’ writ of attachment, perfecting the writ and attaching the shares of PDVH owned by PDVSA). *See id.*, D.I. 646 at 7. As this Court is aware, on November 28, 2023, the Delaware Court of Chancery ordered PDVH to issue a replacement PDVH stock certificate. *See* 1:17-mc-151, D.I. 792-1. Additionally, OFAC has issued a license authorizing service of writs of attachment on the PDVH Shares for Additional Judgment Creditors, such as Siemens. *See id.*, D.I. 555 (“[OFAC] has issued a license . . . authorizing the issuance and service of writs of attachment *feri facias* granted by the Court to judgment creditors against shares of PDV Holding, Inc., owned

by Petróleos de Venezuela, S.A.”). Accordingly, Siemens qualifies as an Additional Judgment Creditor.

As articulated in the Six Creditor’s Motion (*id.*, D.I. 801), as well as in Red Tree Investment, LLC’s and Contrarian’s Motion for Miscellaneous Relief in Connection with the Sale Procedure Order and Limited Joinder in the Six Creditors’ Motion for Miscellaneous Relief in Connection with the Sale Procedure Order (*id.*, D.I. 802, “The Red Tree Motion”), without acknowledging the status of Additional Judgment Creditors, the Venezuela Parties may “attempt to thwart the sale process, including potentially by satisfying or otherwise consensually resolving the judgements owed the current [Additional Judgment Creditors], Crystallex International Corporation (“Crystallex”) and ConocoPhillips Petrozuata B.V. (“ConocoPhillips”).” *Id.*, D.I. 801 at 2-3. Moreover, recognition of Siemens’ status as Additional Judgment Creditor would “promote a value-maximizing sale of the PDVH Shares by supporting efforts to organize credit bids for those shares.” *Id.*, D.I. 802 at 3.

Finally, Siemens’ writ of attachment should be expedited. The Special Master has already acknowledged a priority list based on the date of completion of Step 4 (*see* 1:17-mc-151, D.I. 789-1) and the Court has already determined the process for how writs should be served. *See id.*, D.I. 646 at 26-27. As such, expediting Siemens’ service of the conditional writ of attachment would assist in implementing the Special Master’s previously recommended priority perfection process, and would maximize the Special Master’s efforts to organize the perfection and priority of attachments.

Perfecting Siemens’ writ and recognizing its Additional Judgment Creditor status would both protect Siemens’ rights as well as instill further confidence in the sales process.

Dated: December 20, 2023

Respectfully submitted,

REED SMITH LLP

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